

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

FILED IN OPEN COURT
ON 5/15/2014 DR
Julie A. Richards, Clerk
US District Court
Eastern District of NC

KEOSHA HORNE, et al.,)
)
Plaintiffs,)
)
v.)
)
SMITHFIELD PACKING COMPANY, INC.,)
)
Defendant.)
_____)

Civil Action No. 5:09-CV-00042-H
WESTERN DIVISION

ANGELINA MITCHELL, et al.,)
)
Plaintiffs,)
)
v.)
)
SMITHFIELD PACKING COMPANY, INC.,)
)
Defendant.)
_____)

Civil Action No. 4:08-CV-00182-H
EASTERN DIVISION

JAMES HARRIS, et al.,)
)
Plaintiffs,)
)
v.)
)
SMITHFIELD PACKING COMPANY, INC.,)
)
Defendant.)
_____)

Civil Action No. 4:09-CV-0041-H
EASTERN DIVISION

ORDER

This matter is before the Court on the parties' joint motion for final approval of a proposed settlement of these FLSA collective actions and Rule 23 class actions and for dismissal

of these actions with prejudice. On January 14, 2014, the Court entered an Order preliminarily approving the proposed settlement of these actions, which resolved all disputes between the parties regarding the merits of all Plaintiffs' claims. In the Court's January 14, 2014 Order, the Court preliminarily approved the terms and conditions of the settlement, finding them to be fair, reasonable, and adequate. The parties have completed the class notice and claims process described in the Settlement Agreement and approved in the Court's January 14, 2014 Order. No objections to the settlement have been submitted.

The Court has thoroughly reviewed the parties' Joint Motion for Final Approval of Settlement and Dismissal with Prejudice along with the Memorandum in Support of the Joint Motion and has carefully considered Plaintiffs' claims, the documents of record and the procedural history of these actions, as well as the Court's prior rulings therein. The Court also has conducted a hearing on May 15, 2014, to consider whether to approve the settlement of these actions. Having thus considered the record and the submissions of counsel, and for the reasons stated on the record at the hearing, the Court determines that the parties' settlement is fair, reasonable and adequate, and that the settlement of these Fair Labor Standards Act collective actions and Rule 23 class actions should be given final approval under 29 U.S.C. §216(b) and Fed. R. Civ. P. 23(e).

Additionally, the Court has thoroughly reviewed Plaintiffs' Unopposed Motion for Class Counsel's Attorneys' Fees and Costs along with the Memorandum in support thereof. The total award sought is \$800,000, consisting of \$435,523 in attorneys' fees and \$364,477 in costs and expenses. A supporting declaration describes Class Counsel's experience and efforts in this litigation, as well as the fees, costs, and expenses Class Counsel incurred in prosecuting it. The award complies with the Settlement Agreement, which was preliminary approved by this Court.

In accordance with the Settlement Agreement, Defendant does not oppose the award sought. The Court finds that the work performed by Class Counsel was reasonably necessary, and the hourly rates and total fees, costs, and expenses incurred are reasonable.

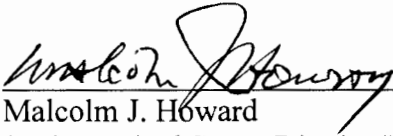
For the foregoing reasons, as well as for the reasons stated on the record at the hearing, it is hereby ordered as follows:

1. The Court finds that the Settlement Agreement is fair, reasonable, and adequate. Therefore, the parties' Joint Motion for Final Approval of Settlement and Dismissal with Prejudice is GRANTED. Each Plaintiff class member shall be bound by the terms of the parties' Settlement Agreement, the Court's January 14, 2014 Order, and this Order dismissing these actions with prejudice, notwithstanding his or her failure to execute the Settlement Agreement failure to execute and submit a claim form, or failure to take possession of or negotiate a settlement check. All members of the settlement class are barred from prosecuting against Defendant, or any of its present or former subsidiaries, divisions, parent companies, holding companies, stockholders, officers, directors, employees, agents, servants, representatives, attorneys, insurers, affiliates, successors, and assigns, any individual or class claims that are released by the Settlement Agreement.

2. Plaintiffs' Unopposed Motion for Class Counsel's Attorneys' Fees and Costs is GRANTED. The Court approves the award to Class Counsel of \$435,523 in attorneys' fees and \$364,477 in costs and expenses, for a total award of \$800,000. Defendant shall pay Class Counsel the foregoing sum in accordance with the Settlement Agreement.

3. These actions are hereby dismissed with prejudice. The Court retains jurisdiction to enforce the terms of the settlement of these actions.

This 15th day of May 2014.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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